### FLOW CHART AND EXPLANATION OF APPEAL ROUTE OF A NO CAUSE FINDING

Complainant must file an objection within 14 days after the date on the cover letter sent with the Final Investigative Report. See ARM 24.9.121

- The objection must be received by 5:00 p.m. at the office of the Human Rights Commission
- \*3 mailing days may be added to the deadline. See ARM 24.9.113(2)
- Request for oral argument must be included in the objection or 1<sup>st</sup> brief

If objection filed late
/
Order dismissing objection

Charging Party can file a new proceeding in district court

Briefing Schedule mailed out by the Human Rights Commission

Charging Party's initial brief is due within 5 business days after objection is filed. See ARM 24.9.121(2)

Brief filed late or over ten pages

#### **Brief filed**

- Respondent has an opportunity to object and file a motion to dismiss the brief
- The Commission can accept or reject the brief

Extension request (filed before the brief is due)

Respondent contacted to concur with the request

- Commission Chair Approves or disapproves the request
- Order of the Commission's decision mailed to the parties

Respondent's Response Brief is due within 10 business days after Charging Party's brief is due\* See ARM 24.9.121(2)

- Same guidelines as above apply for late briefs, briefs over ten pages and extension requests
- \*3 mailing days are added to the ten business days. <u>See ARM 24.9.113(2)</u>

Charging Party's Reply Brief is due within 10 business days after Respondent's brief is due\* See ARM 24.9.121(2)

- Same guidelines as above apply for late briefs, briefs over ten pages and extension requests
- \*3 mailing days are added to the ten business days. See ARM 24.9.113(2)

# **Human Rights Commission Meeting**

- Agenda located at
   http://ard.dli.pst.gov//
- http://erd.dli.mt.gov/humanright/commission.asp
- <u>See ARM 24.9.125</u>

## Oral Argument

 Both sides get 10 minutes <u>See ARM</u> <u>24.9-121(3)</u>

## No Oral Argument

 Appeal considered on briefs filed. <u>See ARM</u> 24.9.121(4)

Order of the Commission's decision mailed out

Affirm the Final Investigative Report

Charging Party can file a new proceeding in district court See Section 49-2-511, MCA

Sustain Charging Party's Objection

Remand to the Hearings Bureau for a hearing See Section 49-2-511, MCA

Hearing Decision issued

Appeal to the Human Rights Commission or the Hearing decision stands <u>See Section</u> <u>49-2-505, MCA</u>

 See Hearing Decision Appeal process flow chart